

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
February 7, 1995**

The one thousand seven hundred and twelfth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:01 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Rob Kappa
Don Trotter

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Tim Ramis,
City Attorney
Ted Baird,
City Attorney

Angus Anderson,
Finance Director
Maggie Collins,
Community Development
Director
Greg Drechsler,
Acting Public Works Director
Jim Crumley,
Associate Planner
Pat DuVal,
Recorder/Secretary

Troop 144 presented the Colors and led the Pledge of Allegiance

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Proclamation - Scouting Anniversary Week

Mayor Lomnicki read a Proclamation naming February 5 - 11, 1995, as *Scouting Anniversary Week* in the City of Milwaukie. He urged Milwaukie residents to express their appreciation to Boy Scout volunteers.

PUBLIC HEARING

Consider Traffic Safety Commission Request Regarding Signal Device on 32nd Avenue

Mayor Lomnicki called the public hearing on the installation of a traffic signal device on 32nd Avenue to order at 7:05 p.m.

The purpose of the hearing was to consider the Traffic Safety Commission's recommendation and to determine whether a signal device should be installed on 32nd Avenue.

Staff Report: **Dan Bartlett**, City Manager, presented the staff report in which the City Council was requested to consider Traffic Regulation No. 256 and the Traffic Safety Commission's recommendation. Continued implementation of the Traffic Regulation would call for the installation of traffic control signs, traffic control signals, or other traffic control devices to improve the safety of school crossings on 32nd Avenue. At its January 9, 1995, meeting, the Traffic Safety Commission recommended that the City curtail further action on any traffic signal device on 32nd Avenue until it had the "opportunity to work with the 32nd Avenue Task Force to identify the most appropriate solutions for overall pedestrian safety."

Bartlett signed the Traffic Regulation based on the authority of Code Chapter 10.08.020. He based his decision on review of the site and consultation with the City Engineer. DKS Associates, who completed a 32nd Avenue Signal Warrant Investigation, supported his decision. Traffic Regulation No. 256 also calls for a comprehensive School Trip Safety Plan and an adult crossing guard program. The Regulation would not preclude looking at other ways to improve school traffic safety. It has already been identified by the Task Force that Ardenwald School is the only park-like setting in the neighborhood and is in year-round use.

Bartlett said he was looking for Council direction on the next steps the City should take. He reviewed the tasks that would take place. If Council directs staff to continue with the signal device, it could be in place by June 30, 1995. Completion of the School Trip Safety Program would probably be completed on September 7, 1995. The County has agreed to allow the City to buy the signal from its contract and to install the device. If City Council decides to wait, the next opening would be the 1996 construction season.

Bartlett requested that City Council direct staff to go ahead and work through the process. Both a preliminary design for the signal device and a preliminary report from the 32nd Avenue Task Force should be ready for the March 21, 1995, City Council meeting.

Councilmember Kappa questioned the need for a public hearing, since the School Trip Safety Program has been initiated. **Bartlett** said, under the process, the City Council has granted him the authority to sign traffic regulations. City Council also has the authority to stop the process, based on the Traffic Safety Commission's recommendation.

Councilmember Kappa stated that action seemed premature if City Council has not seen any reports from the Task Force or the School Trip Safety Group.

Bartlett said these groups have just formed, and they have not had the opportunity to complete any reports. The City has been responding to a December 1, 1994, meeting request that a signal be installed by February 1, 1995.

Mayor Lomnicki said, from the staff's perspective, it would be more effective to move through the preliminary design and let the Task Force gather their data. City Council may determine at its March 21, 1995, meeting that the device is not appropriate. There will still be an opportunity in April to modify the plans before a purchase order is issued.

Bartlett said the key factor would be engineering costs.

Councilmember Farley asked the length of 32nd Avenue. **Bartlett** said 32nd Avenue was about one mile long.

Councilmember Farley said he did not think all of the school children would go to that particular corner to cross the street. He mentioned that he had not seen all of the adult crossing guards wearing reflective vests. **Bartlett** said the School Trip Safety Program would address training both children and adult volunteers. There is a commitment to patrolling the area and modifying driver and pedestrian behavior.

Councilmember Farley asked if there would be zero tolerance for speeders. **Bartlett** said this would be up to the Police Chief. Neighborhood representatives will be able to use the speed gun and give the Police Department license plate numbers. The department will then issue warning letters to offenders. Enforcement will be increased if this method indicates a need.

Councilmember Schreiber asked if there were other areas in the City more in need of traffic signals. **Bartlett** said this information would come from studies at the other six elementary schools. He noted that installation of the light at Linwood and Johnson Creek Boulevard was scheduled.

Correspondence: **Bartlett** said he received a fax from Colin B. Veach that indicated he did not support a signal at that intersection.

Public Testimony: **Joe Loomis**, 3610 SE Filbert, spoke in support of the light because it would provide a safer way for pedestrians to cross the street. The accident did not involve any traffic violations. He did not believe speed humps would help the situation.

Michelle Greeley-Roberts, 2924 SE Malcom, 32nd Avenue Task Force Member, Ardenwald Neighborhood District Association President, and Ardenwald PTA member, spoke in support of both installing a signal on 32nd Avenue and looking at other methods to ensure pedestrian safety. A majority of the Task Force members support this statement.

Greeley-Roberts noted the concern that the children might not cross at the signalized intersection and discussed the possibility of volunteer parents doing route checks. She said school, child, and parent accountability needed to be developed. She noted that a crossing guard volunteer program was instituted, and the neighborhood was showing good faith in working on the process. Delaying installation of the light would not send a positive message to the group.

Councilmember Kappa said the Task Force seemed focused on this one intersection. **Greeley-Roberts** said she would like to see a program that addressed the entire area around Ardenwald School. The group is interested in moving beyond just the signal.

Councilmember Trotter asked who was present from the Traffic Safety Commission that would like to address City Council.

Julie Wisner, 3325 SE Wister, Traffic Safety Commission member, said the board was concerned with safety on the entire street. The importance of the Task Force is to identify safety issues and to find viable solutions. She asked how much the pedestrian signal would cost. **Bartlett** said the pedestrian signal would cost between \$20,000 and \$40,000.

Wisner said she would like the neighborhood to look at the entire amount of funds available and determine how best to spend the money. Children cross 32nd Avenue at all points. The signal would emphasize this one intersection. She discussed a pilot project in the City of Portland using flashing lights, speed humps, and fluorescent green signs. She agreed that adult crossing guards were needed. She expressed concern that a pedestrian signal might create a false sense of security.

Councilmember Trotter asked Wisner if she recommended that all work on traffic signal design stop. **Wisner** said she believed that final decisions should not be made without getting input from the School Trip Safety Task Force.

Councilmember Kappa said he understood that the Traffic Safety Commission and the 32nd Avenue Task Force had met, and asked if any further recommendations had come out of that meeting. **Wisner** said Susan Stone would be the person to address that issue.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing at 7:38 p.m.

Councilmember Trotter said, based on the information in the staff report, there seemed to be enough time to address the Traffic Safety Commission's concerns at the March 21 and April 7, 1995, meetings without stopping design work on the proposed signal. He perceived an obligation to continue with both elements -- Task Force work and design development.

Councilmember Schreiber was concerned that there might be a conflict of interest because she was serving as a cross-walk guard. **Ramis** said there was no limitation based on participation in a volunteer program.

Councilmember Kappa said he was concerned that there might be a problem with a pedestrian-activated signal because children would be tempted to play with it. He said he was also worried that the signal might give children a false sense of security. He did not want to see the signal process stop; however, he wanted to be able to consider other options.

Councilmember Farley said he believed it was a good idea to continue with the signal, while taking the time to look at other avenues. He did not want to make too hasty a decision.

Mayor Lomnicki said the process could move forward with two safeguard points to determine if the signal installation was appropriate.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to direct staff to continue to implement Traffic Regulation 256 to install traffic control signs, traffic control signals, or other traffic control devices to improve the safety of school crossings on 32nd Avenue. Motion passed unanimously.

AUDIENCE PARTICIPATION

Judith Duncan, 1936 SE Eagle St., Island Neighborhood District Association, presented an update on neighborhood concerns. From their experience, residents of the neighborhood do not believe the odor mitigation program was successful. Clackamas County purchased an expensive process and expected a 97% improvement. She suggested that the County, contractor, and neighbors work together on a more acceptable odor level. She recommended that the City Council and Clackamas County find a proactive method of working with the vendor before the warranty period ends.

Bartlett said Helene Lichtman, Director, Clackamas Service District, is taking these concerns seriously and is planning an open house to look at the remaining issues.

OTHER BUSINESS

Zoning Map Amendments for Annexed Lands (ZC-94-01) and Subdivision Ordinance Text Amendment for Flag Lot Buildability (ZA-94-07) - Ordinance, second reading

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the Ordinance amending Ordinance No. 1712, the Milwaukie Zoning Ordinance (ZC-94-01) and amending Ordinance No. 1440, the Milwaukie Subdivision Ordinance for the second time by title only. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Farley, and Councilmember Trotter aye; Councilmember Kappa nay; no abstentions. The Ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to adopt the Ordinance amending Ordinance No. 1712, the Milwaukie Zoning Ordinance (ZC-94-01) and amending Ordinance No. 1440, the Milwaukie Subdivision Ordinance. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Farley, and Councilmember Trotter aye; Councilmember Kappa nay; no abstentions.

ORDINANCE NO. 1778:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE MILWAUKIE ZONING ORDINANCE (ZC-94-01) AND AMENDING ORDINANCE NUMBER 1440, THE MILWAUKIE SUBDIVISION ORDINANCE (ZA-94-07).

Consider Repealing Milwaukie Municipal Code Chapter 2.08, Civil Service Commission - Ordinance

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider an Ordinance that would repeal Chapter 2.08 of the Municipal Code to be consistent with the November 1994 Charter amendment.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the Ordinance pertaining to the Civil Service Commission for the first time by title only. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa and Councilmember Trotter aye; Councilmember Farley nay; no abstentions. The Ordinance was read for the first time by title only.

Councilmember Farley said he believed that the working man and woman were losing something by doing away with the Civil Service Commission.

The second reading will be scheduled for the February 21, 1995, meeting.

Consider Johnson Creek Boulevard Safety Improvement Plan - Resolution

Mayor Lomnicki announced that he would step down from this discussion because he owned property on Johnson Creek Boulevard. Council President Trotter took over the meeting.

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider a Resolution endorsing a safety improvement plan for Johnson Creek Boulevard from 32nd to 45th Avenue. The proposed right-of-way would be 44 feet and includes a travel lane, bike lanes, and one sidewalk. This is a joint project with the City of Portland and is a result of several years of discussion.

Phase I of the project is: completion of the design and plans for the entire project; street construction beginning at Sherrett and running along Johnson Creek Boulevard from 32nd to 45th Avenues; right-of-way acquisition; sewer line installation on Johnson Creek Boulevard from 36th to 32nd, then south to Sherrett; and storm water facility construction from about 36th to Roswell with drains along Johnson Creek Boulevard. In essence, the proposal brings storm drainage to the entire length of Johnson Creek Boulevard. The second phase involves the right-of-way purchases and street construction from 36th to 45th Avenues. Phase I will cost about \$308,000 and Phase II, \$822,000.

Collins read names into the record of those who indicated an interest in the proposal: Caroletta Collett, 3905 SE Johnson Creek Boulevard, David Tefelski, 4435 SE Johnson Creek Boulevard, Joshua Schulman, 3436 SE Johnson Creek Boulevard, and Terri Zumbusch, 3840 SE Johnson Creek Boulevard received copies of the staff report; Roger DeCarlo, 4425 SE Johnson Creek Boulevard, called February 3, 1995, to support the project; Roger Haas called February 7, 1995, to oppose the project; and Linda Hatlelid submitted a report stating her opposition to the project.

Collins discussed the proposed removal of about 12 trees in the City of Milwaukie. The final design will minimize the impact as much as possible. The proposed Resolution endorses the project, but does not authorize the expenditure of any funds.

Councilmember Kappa said the initial phase would cost \$308,000, and the City of Portland was responsible for the design portion.

Councilmember Farley asked if Clackamas County would pick up any portion of the costs. **Drechsler** said there was a meeting last week involving Milwaukie, Portland, and Clackamas County. They discussed how to fund those portions of street that were in Clackamas County. He said there might be a transfer of road responsibility from the County to the City of Milwaukie after improvements were made.

Councilmember Farley asked how much of Phase I was in Portland. **Drechsler** said 100% of Phase I was in Portland, and Phase II was multi-jurisdictional.

Mulvey Johnson, City of Portland, added that the City of Portland would pay about 15%, and the balance would come from State highway funds. Milwaukie's benefit would be project design and storm sewer installation. The concept is to have the project ready during the State and Federal budget process. He discussed the storm water facility recently purchased by the City of Portland at the recycling site.

Councilmember Schreiber asked how much disruption there would be to residents along the right-of-way. **Johnson** said some trees and retaining walls might be removed, but no structures would be demolished.

Councilmember Farley asked if the pitch of the street would change. **Johnson** said the center of the road and the grades would remain about the same.

Johnson said he understood that some residents were concerned about their trees. He said property owners would be notified of any proposed changes to their property.

Councilmember Farley asked if the streets were designed with reverse crowns. **Johnson** said there might be reverse crowns on the curves, but the road was being designed for 25-mph traffic.

Councilmember Kappa said he was concerned about driveway blind spots. **Johnson** said the design would improve vision, particularly by removing some trees. He mentioned that there were several trees in the 33rd Avenue area that blocked vision. The design includes shorter, wider driveways and a five-foot bike lane.

Councilmember Kappa asked how the construction would impact the traffic study being done on 32nd Avenue. **Collins** said there would be a traffic diversion during construction, and she understood the Councilor's concern. The construction area is only about a block and a half, from Sherrett to 32nd Avenue.

Councilmember Kappa said he was concerned that diverted traffic would skew the 32nd Avenue traffic counts. **Collins** agreed that this could happen, but she assured him that Public Works would work to minimize the project's impact.

Councilmember Farley asked Johnson if there was funding for Phase I. **Johnson** said funds were available. One of the reasons for stopping at 36th Avenue was because it is an intersection. That part of the project could stand alone if necessary. At a minimum, the storm sewer infrastructure would be complete. This would also be a good incentive during the budget process to push the project up on the priority list. He said he believed Phase II could also be done in sections.

Councilmember Schreiber asked when the traffic disruption would begin. **Johnson** anticipated that it would begin in January 1996 and continue through October 1996.

Councilmember Schreiber asked if the Traffic Safety Commission would be involved since there were safety issues. **Collins** said involving the Traffic Safety Commission had not been considered at this point of the project.

Council President Trotter asked what determined the variation from the standards for the preferred 49-foot right-of-way. **Collins** said, if full design guidelines were used, the street would be about fifty feet wide and the amount of right-of-way acquisition would be greater. There were also safety concerns because of the slope on the north side of Johnson Creek Boulevard. She said the state would accept five-foot bike lanes, and six-and-one-half-foot sidewalks were consistent with ADA requirements. Eleven-foot travel lanes were acceptable. These minimums would have the least impact on the neighborhood, were safe, and would not increase capacity.

Council President Trotter discussed the recommendation in Linda Hatlelid's letter regarding bike lanes on both sides of the street. This is required by City Ordinance.

Bud Border, Milwaukie resident and member of the Ped/Bike Working Group, spoke in support of the improvements. Bike lanes on both sides of the street were an absolute requirement. Wrong-way bicyclists are in the greatest position of danger, particularly when approaching an intersection from a direction not expected by cross traffic. The cyclist traveling on the wrong side of the street will increase the chance of a conflict with other users of the bike lane. Lanes must be provided for bicyclists on both sides of the road to minimize the danger to themselves and others.

Collins said she did not believe there was a State law that required lanes on both sides of the street. However, Milwaukie has an Ordinance that states that two bike lanes are necessary.

Doug McCullom stated that the City of Portland and ODOT also follow this standard.

Collins said the bike paths make it a skinny street design and offer multi-modal transportation. The design will tend to slow traffic through the area. The segments need to be treated differently according to the land use.

Councilmember Farley said there was not much room for larger vehicles to pass on certain areas of Johnson Creek Boulevard. **Collins** agreed.

Councilmember Farley asked if the ten feet needed for the improvements would be taken from both sides of the street. **Collins** said, in most cases, the right-of-way acquisition would be from the north side. She discussed curves and clear-vision requirements.

McCullom said the design flattens curves and provides bike lanes and sidewalks. Sight lines should be improved greatly.

Councilmember Schreiber asked how casual parking along the residential streets would be impacted. **Collins** said there would be some loss of on street parking.

Councilmember Schreiber asked if off-street parking would be developed. **Johnson** said the driveways would be widened.

Councilmember Farley asked if any of the trees planned for removal were magnolias. **Johnson** said he did not believe so.

Council President Trotter asked if there was any additional correspondence other than those contacts which Collins read into the record at the beginning of the staff report. There was none.

Council President Trotter said staff forwarded a letter to City Council from Linda Hatlelid on February 6, 1995.

Linda Hatlelid, 8617 SE 36th, has lived in Milwaukie for 46 years. She has attended meetings regarding Johnson Creek Boulevard regularly for the past fourteen years. Her letter outlined the history of Johnson Creek Boulevard meetings, including the proposal to construct a new street in the "gulch." The new street would divert traffic from Johnson Creek Boulevard. She was concerned that, although residents were invited to attend meetings regarding

street improvements, they did not get complete information. She said she was concerned that shortening driveways would alter the pitch to the point of making them inaccessible. She questioned that blind spots would be improved by this proposal, particularly when bike lanes were added. She discussed the meetings that were held, which were informal, four-hour open houses.

Councilmember Kappa asked Hatlelid to indicate her residence on the map. **Hatlelid** said she lived near 43rd, where it was most steep.

Arnold Hatlelid, 4277 SE Johnson Creek Boulevard, said he lived there since 1948. He discussed Metro's light rail bridge locations and the potential routes through the City of Milwaukie. He recommended that the Milwaukie City Council postpone all further work. He also indicated that the City Council might not have the authority to make these decisions on a street that is under Clackamas County jurisdiction.

Lillie Moore, 4001 SE Johnson Creek Boulevard, reminded City Council that this road was about 150 years old and meanders through the neighborhood. Much of the area is full of springs and the ground is very mushy. She said she considered it wetlands, and much of the water is used for irrigation. There is already a bike path in the Springwater Corridor. She questioned the need for a bike path on the north side of the street where there is a steep incline and there are no cross streets. She noted that there was a steep drop on the north side of the street, so a bike path would be impossible. She recommended a curb on the north side, and a bike path and sidewalk on the other side. She asked whether it would be possible to have one-way traffic during construction in order to get to McLoughlin Boulevard.

Councilmember Farley asked Moore if the traffic increased since the overpass was completed. **Moore** said the traffic was backed up a couple of times each afternoon.

Roger Haas, 8618 SE 36th Avenue, urged City Council not to pass the Resolution as presented. Milwaukie City Council should not be dictated to by the City of Portland. He believed eleven-foot lanes were too narrow for most vehicles. A hard surface road will soon be completed on the Springwater Corridor, and there is a way for bicyclists to get to Johnson Creek Boulevard. He said he was concerned that livability would decrease. Traffic will be faster and there will be greater numbers of vehicles.

Ron Wiley, 3325 SE Johnson Creek Boulevard, asked about assurances that there would be tree replacement similar to the Eastmoreland area. He was also concerned about large trucks that he sees exceeding the speed limit in his neighborhood. He was concerned that a narrow street might be dangerous, as he sees cars losing control now. He suggested speed humps. He agreed that

there were accommodations for bike paths on the Springwater Corridor, and perhaps it would be better to make the street wider. He indicated that the amount of traffic has increased since the Tacoma overpass was completed

Collins addressed residents' concerns: (1) Driveway pitch issues will be design specific. The impact on each site would be considered. A re-design is not proposed for the north side of the street; (2) A straightened road would improve driver vision and help eliminate blind spots. The sidewalks already installed near the overpass have helped drivers navigate their vehicles; (3) There are two studies that will continue to monitor proposed Willamette River crossings. The South/North Light Rail Study will also continue to look at needs in the area. Monitoring of issues, such as the signalization of Linwood and Johnson Creek Boulevard, will continue; (4) The Springwater Corridor cannot meet all the needs of bicyclists. Johnson Creek Boulevard should be a true multi-modal route. Bike lanes on one side of the street would not comply with the City Ordinance; (5) Work will have to continue with the neighborhood on traffic control issues; (6) The Milwaukie City Council does have the authority to make a decision on proposed improvements to Johnson Creek Boulevard.

Johnson spoke on the issue of traffic diversion during construction. He said concern at this stage was a little premature, but he would work with the City to make it as easy as possible. Tree replacement is not included at this point. Each right-of-way acquisition is done on an individual basis.

Councilmember Kappa said he was concerned about tree replacement, and it should be part of the design. He asked when, if the project is rejected now, will there be another window of opportunity. **Collins** said the funding sources are complex. Deadlines have already been pushed as far as possible, and funds might begin to evaporate.

Councilmember Schreiber said, by looking at the map, there appeared to be some traffic problems that needed to be worked out with the City of Portland. Johnson Creek Boulevard needs to be improved to remain a viable street. The City is currently going through other major traffic planning. If assured that we are developing a good, sound neighborhood street, the City of Portland and Clackamas County could help us. Traffic patterns could be looked at together. **Collins** said this segment is a part of the whole. The project list fits the land use. Eleven-foot travel lanes, with bike lanes and sidewalks, is the best design possible with the land uses and the neighborhood. First, the City would watch the design process all the way through; then look at how to assimilate tree replacement.

Councilmember Schreiber said she believed the City of Milwaukie needed a major planning process with the City of Portland and Clackamas County so that Milwaukie does not become a funnel for all the traffic.

Councilmember Kappa said eleven-foot lanes would discourage truck use.

Councilmember Farley said he still had concerns about erosion and school busses using such narrow lanes.

Councilmember Schreiber thought that Johnson Creek should be called a "Lane" in the residential area, rather than a "Boulevard." She said she was also concerned about school and Tri-Met busses negotiating the narrow street. If the community wants the least impact and the best pedestrian and bike service, this looks like the plan that will do that. The City must make a commitment that Johnson Creek Boulevard is a residential, neighborhood street.

Councilmember Kappa discussed the bike lanes and how they fit into the City's Transportation System Plan. He recommended that the designers and builders work with the Neighborhood District Association. He said he was also concerned about tree replacement. Other issues he noted were: trucks would probably not use a street as narrow as proposed; existing curves need to be straightened; funding for street improvements is inadequate; and Johnson Creek is not a through boulevard.

Council President Trotter said he thought that the Comprehensive Plan addressed the needs for improvements on Johnson Creek Boulevard. Section 1400 addressed the need for bike lanes. The narrow travel lane widths send the message that "This is a neighborhood street." He said he discussed the travel lane widths with Collins and Tri-Met, and he was satisfied with the eleven-foot lane width. He urged working with other jurisdictions in the region to develop a comprehensive design. There are design issues, such as erosion, that need to be addressed. He agreed with an earlier statement that Milwaukie must not become a traffic funnel. McLoughlin at the Tacoma overpass and Johnson Creek Boulevard and Hwy. 224 are significant problem areas. The City needs to look for east/west routes without impacting King Rd., Linwood Avenue, and Johnson Creek Boulevard.

Councilmember Kappa said he was still concerned about off-street parking.

Councilmember Schreiber said she had heard Johnson indicate an interest in widening the driveways.

Councilmember Kappa said he did not see any reference to Clackamas County as a funding source in the proposed Resolution. **Council President Trotter** said the Resolution does not address the funding issue; it only recommends proceeding with planning and design issues. **Bartlett** said the funding sources would probably be addressed in an Intergovernmental Agreement among the Cities of Milwaukie and Portland and Clackamas County.

Councilmember Schreiber said the proposed Resolution deals only with Johnson Creek Boulevard between 32nd and 45th Avenues.

It was moved by **Councilmember Kappa** and seconded by **Councilmember Schreiber** to adopt the Resolution endorsing a proposed safety improvement project for Johnson Creek Boulevard from 32nd to 45th Avenue. **Councilmember Schreiber** referred to paragraph six and stated that public involvement process should include the neighborhood district in the design.

Councilmember Kappa said that a lot of specific issues had been discussed.

Councilmember Schreiber pointed out that there were many methods available to active neighborhood associations.

Council President Trotter said the ongoing staff process would involve individual property owners and indicated continued neighborhood involvement.

Bartlett said the tree replacement issue would be addressed in the design process.

Motion passed 3 - 1 - 1 with the following vote: **Council President Trotter**, **Councilmember Schreiber** and **Councilmember Kappa** aye; **Councilmember Farley** nay; **Mayor Lomnicki** abstained.

RESOLUTION NO. 6-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING A PROPOSED SAFETY IMPROVEMENT PROJECT FOR JOHNSON CREEK BOULEVARD FROM 32ND AVENUE TO 45TH AVENUE.

Consider Purchase Order Approval

Bartlett presented the staff report in which the City Council was requested to ratify Purchase Order No. 08098 in the amount of \$58,669.42 for the acquisition of three police vehicles. He said, by approving this purchase order, he violated City policy; but he believed it was necessary. He conducted an investigation with key staff involved, and determined that there was no need for disciplinary action. The City was notified that, due to budgetary cutbacks at the State level, the "window" for purchasing vehicles was decreased by about three weeks. The deadline would have been missed if he had waited for the next regularly scheduled City Council meeting. He was approached by the Police Chief and Finance Director to approve the purchase, so he signed the purchase order on January 19, 1995. The purchase of these vehicles was adopted in the 1994 - 1995 budget. If this action had not been taken, the Police Department would not have received the needed vehicles until 1995 - 1996.

Mayor Lomnicki announced that this issue was discussed in an executive session on Monday, February 6, 1995. City Council found there was not wanton disregard of City policy.

Councilmember Farley said he was confused because he was not at the February 6 executive session. He asked if there was only one time per year that the City was allowed to purchase police vehicles. **Bartlett** said this was correct. He reviewed other attempts to find used vehicles, but they were found to be unsatisfactory. There is only one time during the year when auto manufacturers produce police vehicles. He discussed the reasons for standardizing the police fleet with Chevrolets; the primary reason being officer safety.

Councilmember Farley asked why the purchase order was not brought before City Council. **Bartlett** said he was not aware that the purchase requisition he received was an emergency, so he put it in a suspense file. He pointed out that the Finance Director's initials indicated that funds were budgeted for the purchase, but the amount was above his authorization. He determined that the act was not intentional, and corrective action was taken with those involved.

Councilmember Kappa suggested a work session on purchasing procedures to remedy such problems.

Councilmember Schreiber said some of these issues were discussed during the February 6 executive session.

Councilmember Farley asked if there was an extended warranty on the vehicles. **Bartlett** said they had the standard warranty package that comes with a police vehicle.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to ratify approval of Purchase Order No. 08098 in the amount of \$56,669.42 for the acquisition of three police vehicles. Motion passed unanimously.

Consider Purchase Order Request

Anderson presented the staff report in which the City Council was requested to approve a purchase order request in the amount of \$16,553 for the acquisition of a truck for the Street Division. The truck is 10,000 gvw chassis. It will replace a 1978 flatbed truck and will have a tool box installed by another vendor. The funds for this purchase were adopted in the budget.

Councilmember Farley asked if some of the items listed on page three of the staff report -- such as tilt wheel with speed control, radio, and air conditioning -- were options. **Anderson** said these all are part of the standard package and are not options.

Councilmember Farley asked what vehicle this was replacing. **Anderson** said it replaces a 1978 flatbed truck.

Councilmember Kappa asked if this would get rid of the old Public Works' vehicles. **Anderson** said the department was getting close.

Councilmember Schreiber asked for clarification of page four. **Anderson** said this was a budget detail of the Street Division and simply indicated that the vehicle proposed for purchase was included in the budget.

Councilmember Farley referred to page five and asked for clarification of a handwritten note. **Bartlett** said the department was trying to determine if it will have enough money to pay for the 800 MHz radios.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to approve a purchase order request in the amount of \$16,553 for the acquisition of a truck for the Street Division.

Councilmember Farley said, if the flatbed still works, it should not be replaced.

Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; no abstentions.

Consider Establishing Expendable Trust Fund

Anderson presented the staff report in which the City Council was requested to adopt a Resolution that would establish an Expendable Trust Fund, numbered as Fund 81, the Pioneer Cemetery Maintenance Fund - Leona Knutson Trust. The funds will be held in the trust for the specific purpose of maintaining the Pioneer Cemetery.

Councilmember Kappa asked whether this was a one-time-only fund.

Anderson said the portion that is not used immediately will earn interest that will be added to the principal.

Mayor Lomnicki asked if the District would request a certain amount of these funds for maintenance.

Councilmember Schreiber suggested holding the funds until such time as the City might need to pay for maintenance.

Bartlett said these funds would aid in rehabilitating the cemetery and make enhancements beyond the current level of maintenance. It has not been restored and damage, such as the gate, has not been repaired.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Resolution that established the Pioneer Cemetery Maintenance Fund as an expendable trust fund and establishing appropriations for expenditure of trust funds.

Councilmember Farley said he believed Leona Knutson's name should be included in the title of the Resolution.

Councilmember Schreiber expressed concern that this might inhibit donations from others.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Resolution and amend the title to read the "Leona O. Knutson Memorial Trust Fund." Motion passed unanimously.

RESOLUTION NO. 7-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE PIONEER CEMETERY MAINTENANCE FUNDS AS AN EXPENDABLE TRUST FUND AND ESTABLISHING APPROPRIATIONS FOR EXPENDITURE OF TRUST FUNDS.

Consider Bid Award for 1994 Waterline Upsizing Project

Greg Drechsler, Acting Public Works Director, presented the staff report in which the City Council was requested to award the contract for the 1994 Waterline Upsizing Project, Alternate "B", to D.M. Excavating in the amount of \$139,969.13.

Councilmember Farley asked if this would be standard piping. **Drechsler** said, primarily, small lines will be replaced with larger lines.

Councilmember Kappa said he was concerned about tearing up the street. **Drechsler** said about \$28,000 in street repairs will be required and will come from the Water Fund.

Councilmember Kappa asked if this action would improve the City's fire rating. **Drechsler** said he doubted if there would be an improvement, because the City is already highly rated.

Councilmember Kappa said some of the streets involved are very old. **Drechsler** said most of the work will be done on the roadside.

Councilmember Farley asked how much the flow would increase. **Drechsler** said the gallons per minute would increase from 25% - 30%.

Councilmember Schreiber asked if this would create any problems on 32nd Avenue. **Drechsler** said there will be some minor traffic diversion.

Councilmember Kappa asked if 32nd Avenue would go back to its original condition. **Drechsler** said the area that will be dug up will be very small, and the Department will use the infrared machine to ensure a smooth surface.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to award the contract for the 1994 Waterline Upsizing Project, Alternate "B", to D.M. Excavating in the amount of \$139,969.13. Motion passed unanimously.

Consider Revisions to Municipal Code Chapter 2: Election of Council President and Order of Business - Ordinance

Bartlett presented the staff report in which the City Council was requested to consider an Ordinance that would amend Municipal Code Chapter 2, "Election of Council President" and "Order of Business." This would deal with the differences between the Charter and Chapter 2 of the Municipal Code.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the Ordinance amending Municipal Code Sections 2.04.040 and repealing Ordinance 1480, Section 2(A); and 2.04.140(A) and repealing Ordinance 1678 for the first time by title only. Motion passed unanimously. The Ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the Ordinance amending Municipal Code Sections 2.04.040 and repealing Ordinance 1480, Section 2(A); and 2.04.140(A) and repealing Ordinance 1678 for the second time by title only. Motion passed unanimously. The Ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the Ordinance amending Municipal Code Sections 2.04.040 and repealing Ordinance 1480, Section 2(A); and 2.04.140(A) and repealing Ordinance 1678. Motion passed unanimously.

ORDINANCE NO. 1779:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING MUNICIPAL CODE SECTIONS 2.04.040 AND
REPEALING ORDINANCE 1480, SECTION 2(A); AND
2.04.140(A) AND REPEALING ORDINANCE 1678.**

Consider Support of Transportation Finance Package - Resolution

Bartlett presented the staff report in which the City Council was requested to adopt a Resolution supporting the Transportation Finance Package. It allows the City to alleviate some of the shortfall for transportation system improvements by supporting progressive gas tax increases over the next two years; annual increase of passenger vehicle registration fees; and appropriation of lottery funds in the amount of about \$100 million.

Councilmember Kappa said he was concerned that education also needed lottery funds.

Bartlett pointed out the breakdown of package elements on page eleven of the staff report.

Councilmember Trotter said the Legislature would have to make the final decision. The Resolution indicates the City's desire to get funding for certain projects. If the City of Milwaukie does not ask to be considered, the funding might possibly be gone.

Councilmember Farley said he believed this was a very good idea.

Councilmember Kappa said he was concerned about the damage done to streets and roads by studded tires. He suggested banning studded tires.

Mayor Lomnicki said this, and taxing studded tires, was under consideration.

Councilmember Kappa discussed taxing truck drivers. **Bartlett** said there has been a cost-responsibility study, and periodically it is reviewed and adjusted.

Councilmember Farley remarked that Oregon has one of the lowest rates in the country.

Mayor Lomnicki pointed out that City Council's support of the transportation package does not indicate it does not support education.

Councilmember Schreiber pointed out that the second page of the Resolution recommends other options for increased funding other than lottery funds.

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Trotter** to adopt the Resolution supporting transportation finance recommendations and recommending approval by the 1995 Oregon State Legislature. Motion passed unanimously.

RESOLUTION NO. 8-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING TRANSPORTATION FINANCE RECOMMENDATIONS AND RECOMMENDING APPROVAL THEREOF BY THE 1995 OREGON STATE LEGISLATURE.

It was moved by **Councilmember Kappa** and seconded by **Councilmember Schreiber** to suspend City Council rules to continue the meeting after 11:00 p.m. Motion passed unanimously.

Consider Participation in North Clackamas Urban Services Project

Mayor Lomnicki recommended a review of the regional committees on which City Council serves. This item was postponed.

Consider Property Acquisition

Bartlett presented the staff report in which the City Council was requested to consider purchase of the Eastman property. Negotiations were concluded and staff stayed within the latitude given by City Council. The City interests were adequately protected, and the goal of procuring waterfront property for open space and bike paths was fulfilled.

Mayor Lomnicki said funds for this property acquisition were budgeted.

Bartlett pointed out the City Attorney opinion on this item.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to purchase the Eastman property in the amount of \$220,000. Motion passed unanimously.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Consent Agenda which consisted of the City Council Minutes of January 17, 1995, work session and regular session. Motion passed unanimously.

INFORMATION

Councilmember Schreiber announced that, due to a conflict, she would not be attending the FOCUS meetings.

Councilmember Farley discussed the upcoming issues before the Legislature.

Bartlett discussed the informational report on the "open container law." Chief Collier reports that it was used once on a vagrant in Scott Park, but the Police Officers consider it a useful tool.

Bartlett discussed Light Rail information.

Bartlett announced Council Goal Setting sessions on February 14 and 28, 1995, from 3:00 p.m. to 9:00 p.m.

Bartlett discussed the ANI/ALI, or Call ID, feature for the "dispatch center."

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 11:03 p.m.

Pat DuVal
Pat DuVal, Recorder/Secretary